

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JAVIER EDMUN MONTES and  
CHARLOTTE MONTES

V.

BAC HOME LOANS SERVICING, LP  
ET AL.

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CASE NO. 4:10-CV-606

Judge Schneider/ Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

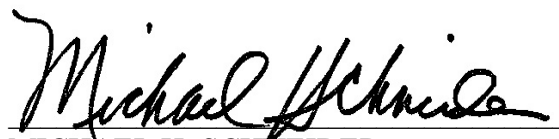
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 22, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Rule 12(b)(6) Motion to Dismiss (Dkt. #8) should be GRANTED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Rule 12(b)(6) Motion to Dismiss (Dkt. #8) is **GRANTED** and the case is **DISMISSED**.

**IT IS SO ORDERED.**

**SIGNED this 19th day of July, 2011.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE